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PATENTAttorney Reference Number 6115-58352-01  
Application Number 09/925,514

### Remarks

Reconsideration of the application is respectfully requested in view of the foregoing amendments and following remarks. Claims 1-24 are pending in the application. No claims have been allowed. Claims 1, 23, and 24 are independent. Claims 1 and 23 have been amended. One paragraph of the specification has been replaced. The amendments herein do not necessarily narrow the claims' scope.

### *Interview*

Applicants thank the Examiner for the interview on March 9, 2005. Ways of overcoming the rejection of claim 1 were discussed. Applicants believe the interview was helpful and now present claims for further consideration in light of the interview.

### *IDS References Not Considered*

Applicants note that the three IDS submissions (August 9, 2001, November 8, 2002, and June 18, 2004) have not been marked as considered. Applicants respectfully request that the Examiner initial the appropriate boxes to indicate consideration of the three above-referenced IDS submissions that were submitted in accordance with procedure specified by 37 CFR 1.97 and 1.98. *See also* MPEP § 609 ("An information disclosure statement filed in accordance with the provisions of 37 CFR 1.97 and 37 CFR 1.98 will be considered by the examiner assigned to the application.").

### *101 Rejection*

#### *Patentability of Claims 1-24 under § 101*

The Action rejected claims 1-24 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Specifically, the Action states that the claims might be directed to an abstract idea. Applicants respectfully disagree, but in order to expedite prosecution, have amended the claims to address the rejection. The claims, as amended, are not subject to a § 101 rejection.

The Supreme Court has interpreted § 101 broadly, "[a]s the Supreme Court has held, Congress chose the expansive language of 35 U.S.C. 101 so as to include 'anything under the sun that is made by man.' *Diamond v. Chakrabarty*, 447 U.S. 303, 308-09, 206 USPQ 193, 197

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(1980).” MPEP § 2106(IV)(A). “Accordingly, a complete definition of the scope of 35 U.S.C. 101, reflecting Congressional intent, is that any new and useful process, machine, manufacture or composition of matter under the sun that is made by man is the proper subject matter of a patent.” MPEP § 2106(IV)(A).

Therefore, in order to be statutory under § 101, “[t]he claimed invention as a whole must accomplish a practical application. That is, it must produce a ‘useful, concrete and tangible result.’ *State Street*, 149 F.3d at 1373, 47 USPQ2d at 1601-02.” MPEP § 2106(II)(A). In fact, “[o]nly when the claim is devoid of any limitation to a practical application in the technological arts should it be rejected under 35 U.S.C. 101.” MPEP § 2106(II)(A).

#### Claim 1

Claim 1 has been amended to clarify the “processing” of the computer-implemented method. Amended claim 1 reads as follows (emphasis added):

A computer-implemented method of refining a decision-making process based on a collection of data indicating a state, the method comprising:

defining a plurality of discrete executable directives, wherein the discrete executable directives comprise one or more directives operable to perform one or more queries on the collection of data, one or more analysis directives operable to diagnose a problem indicated by the state based at least on information derived from results of the queries, and one or more distribution directives operable to distribute a diagnosis of the problem;

*processing the plurality of discrete executable directives, the processing comprising performing one or more of the queries on the collection of data, diagnosing a problem indicated by the state based at least on information derived from results of the processing of the one or more queries, and distributing a diagnosis of the problem* and a user interface element indicating a possible reaction of a decision-maker to the diagnosis; and

responsive to activation of the user interface element by a decision-maker, recording the decision-maker’s reaction to the diagnosis.

The added language is supported in large part by original claim 1, which describes “discrete executable directives,” “queries,” “diagnose,” and “distribute.” Additional support is found elsewhere. For example, the Application at page 5, lines 19-24 describes processing and the “query-analyze-distribute operation” as follows:

In another arrangement, information is extracted from a data collection, processed, and distributed in a variety of configurable ways. For example, information can be sent to reports, wireless devices, web pages, or other destinations.

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In another aspect of an embodiment, a query-analyze-distribute operation is performed on the data collection. The operation can include multiple discrete executable processing directives, such as one or more discrete executable query directives, one or more discrete executable analysis directives, and one or more discrete executable distribution directives. Discrete executable event directives can also be included.

Further, the Application at page 10, lines 5-10, and Fig. 1, describe various types of processing as follows:

The processing 122 can be any of a variety of forms, including queries, analyses, algorithms, filters, formatting, preparation for distribution, distribution, detection of events, and the like. For example, the processing 122 can involve pulling records from various databases in the data collection 112, formatting information derived therefrom, and sending the formatted information to a destination 132.

Claim 1 has a practical application in that it produces a "useful, concrete and tangible result." Specifically, claim 1 is directed to a computer-implemented method for "defining a plurality of discrete executable directives ... processing the plurality of discrete executable directives ... distributing ... a user interface element ... and responsive to activation of the user interface element ... recording the decision-maker's reaction to the diagnosis." Recording the reaction has practical application. For example, the Application at page 78, line 12 states:

As described above, a diagnosis of a problem (e.g., including simply identifying the problem) can be provided via a sequence. The decision-maker's reaction to the diagnosis can be recorded. Subsequently, the reaction can be analyzed to determine the effectiveness of the sequence. The diagnosis can assist a decision-maker in making a proper decision based on the data collection.

Further, the Application at page 76, lines 5-11, and Table 37, describe the user interface element and the decision-maker's reaction as follows:

In one implementation, information distributed to a decision-maker may include a user interface element that the decision-maker can activate to indicate acknowledgement, agreement, or disagreement with the information. Such an interface element can be provided by a distribution or presentation directive. The decision-maker's reaction can be tracked to better determine whether the information provided is effective. Tracking can, for example, comprise when (e.g., date and time) activation occurred.

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Application Number 09/925,514**Table 37 - Exemplary Interaction via User Interface Element**

Interaction	Description
Acknowledgement	User acknowledges receiving information (e.g., report or identification of problem)
Agree	User agrees (e.g., with identified root cause of problem)
Disagree	User disagrees (e.g., with identified root cause of problem)
Concur with recommendation	User concurs (e.g., with recommendation or course of action)
Does not concur with recommendation	User does not concur (e.g., with recommendation or course of action)
Commit to course of action	User commits (e.g., to recommended course of action)
Does not commit to course of action	User does not commit (e.g., to recommended course of action)

Finally, the Application at page 24, lines 1-10, and Fig. 11, describe the user interface element and the decision-maker's reaction as follows:

FIG. 11 shows an example scenario 1102 involving an event directive 1156. As a result of execution of a sequence including an analysis directive 1112, execution was selectively routed between distribution directives 1122 and 1124 to the distribution directive 1124, which sent out the document 1132 (e.g., via email) to a decision-maker. The document 1132 includes a recommendation to the decision-maker. The decision-maker can indicate agreement or disagreement with the recommendation via the user interface elements 1144 and 1146. Upon activation of one of the user interface elements 1144 or 1146, the event directive 1156 is triggered (e.g., by an event indicative of the user's choice) and can further direct execution between subsequent directives 1162 and 1164.

Because claim 1 has a practical application, and it is directed to statutory subject matter, the § 101 rejection should be withdrawn. Therefore, claim 1 should be in condition for allowance.

#### Claims 2-22

Claims 2-22 ultimately depend on claim 1. Therefore, at least for the reasons set forth above with regard to claim 1, claims 2-22 are not be subject to a § 101 rejection, and should thus be in condition for allowance.

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Claim 23

Claim 23 has been amended to clarify the “processing” of the computer-implemented method. Amended claim 23 reads as follows (emphasis added):

A computer-implemented method of refining a budgetary decision-making process related to an organization based on a collection of data indicating budgets and expenses related to cost centers, the method comprising:

defining a plurality of discrete executable directives, wherein the discrete executable directives comprise one or more directives operable to perform one or more queries on the collection of data to generate budget and expense information for the cost centers, one or more analysis directives operable to determine whether a cost center is on track to overrun its budget based at least on information derived from results of the queries, and one or more distribution directives operable to distribute a notification to a cost center manager responsible for the cost center indicating the overrun;

*processing the plurality of discrete executable directives, the processing comprising performing one or more of the queries on the collection of data to generate budget and expense information for the cost centers, determining whether a cost center is on track to overrun its budget based at least on information derived from results of the processing of the one or more queries, and distributing a notification to a cost center manager responsible for the cost center indicating the overrun* and a user interface element indicating a possible reaction of the cost center manager to the overrun; and

responsive to activation of the user interface element by the cost center manager, recording the cost center’s reaction to the overrun.

The added language is supported in large part by original claim 23, which describes “discrete executable directives,” “queries,” “determine,” and “distribute.” Additional support is found elsewhere. For example, the Application at page 5, lines 19-24 describes processing and the “query-analyze-distribute operation” as follows:

In another arrangement, information is extracted from a data collection, processed, and distributed in a variety of configurable ways. For example, information can be sent to reports, wireless devices, web pages, or other destinations.

In another aspect of an embodiment, a query-analyze-distribute operation is performed on the data collection. The operation can include multiple discrete executable processing directives, such as one or more discrete executable query directives, one or more discrete executable analysis directives, and one or more discrete executable distribution directives. Discrete executable event directives can also be included.

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Further, the Application at page 10, lines 5-10, and Fig. 1, describe various types of processing as follows:

The processing 122 can be any of a variety of forms, including queries, analyses, algorithms, filters, formatting, preparation for distribution, distribution, detection of events, and the like. For example, the processing 122 can involve pulling records from various databases in the data collection 112, formatting information derived therefrom, and sending the formatted information to a destination 132.

Claim 23 has a practical application in that it produces a "useful, concrete and tangible result." Specifically, claim 23 is directed to a computer-implemented method for "defining a plurality of discrete executable directives ... processing the plurality of discrete executable directives ... distributing ... a user interface element ... and responsive to activation of the user interface element ... recording the cost center's reaction to the overrun." Recording the reaction has practical application. For example, the Application at page 78, line 12 states:

As described above, a diagnosis of a problem (e.g., including simply identifying the problem) can be provided via a sequence. The decision-maker's reaction to the diagnosis can be recorded. Subsequently, the reaction can be analyzed to determine the effectiveness of the sequence. The diagnosis can assist a decision-maker in making a proper decision based on the data collection.

Further, the Application at page 76, lines 5-11, and Table 37, describe the user interface element and the decision-maker's reaction as follows:

In one implementation, information distributed to a decision-maker may include a user interface element that the decision-maker can activate to indicate acknowledgement, agreement, or disagreement with the information. Such an interface element can be provided by a distribution or presentation directive. The decision-maker's reaction can be tracked to better determine whether the information provided is effective. Tracking can, for example, comprise when (e.g., date and time) activation occurred.

Because claim 23 has a practical application, and it is directed to statutory subject matter, the § 101 rejection should be withdrawn. Therefore, claim 23 should be in condition for allowance.

#### Claim 24

Claim 24 has a practical application in that it produces a "useful, concrete and tangible result." Specifically, claim 24 is directed to a computer-based environment comprising a "means for executing a set of discrete executable processing directives," a "means for distributing a

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diagnosis," and a "means for determining the decision-maker's reaction." Executing the processing directives and determining the decision-maker's reaction has practical application.

For example, the Application at p. 78, ln. 12 states:

As described above, a diagnosis of a problem (e.g., including simply identifying the problem) can be provided via a sequence. The decision-maker's reaction to the diagnosis can be recorded. Subsequently, the reaction can be analyzed to determine the effectiveness of the sequence. The diagnosis can assist a decision-maker in making a proper decision based on the data collection.

Because claim 24 has a practical application, and it is directed to statutory subject matter, the § 101 rejection should be withdrawn. Therefore, claim 24 should be in condition for allowance.

#### ***Request for Interview***

If any issues remain, the Examiner is formally requested to contact the undersigned attorney prior to issuance of the next Office Action in order to arrange a telephonic interview. It is believed that a brief discussion of the merits of the present application may expedite prosecution. Applicants submit the foregoing formal Amendment so that the Examiner may fully evaluate Applicants' position, thereby enabling the interview to be more focused.

This request is being submitted under MPEP § 713.01, which indicates that an interview may be arranged in advance by a written request.

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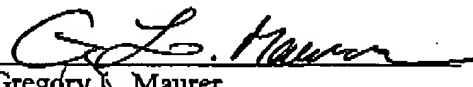
***Conclusion***

The claims in their present form should now be allowable. Such action is respectfully requested.

Respectfully submitted,

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